

Article - Criminal Procedure

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§2–104.

(a) In this section, “federal law enforcement officer” means an officer who may:

(1) make an arrest with or without a warrant for violations of the United States Code; and

(2) carry firearms in the performance of the officer’s duties.

(b) (1) Subject to the limitations of paragraph (2) of this subsection, a federal law enforcement officer may:

(i) make arrests as set forth in Subtitle 2 of this title; and

(ii) execute arrest and search and seizure warrants issued under the laws of the State.

(2) A federal law enforcement officer may exercise the powers granted by this subsection when:

(i) the federal law enforcement officer is participating in a joint investigation with officials from a State or local law enforcement unit;

(ii) the federal law enforcement officer is rendering assistance to a police officer;

(iii) the federal law enforcement officer is acting at the request of a local police officer or State Police officer; or

(iv) an emergency exists.

(c) (1) A federal law enforcement officer who acts under the authority granted by this section shall notify the following persons of an investigation or enforcement action:

(i) 1. the chief of police, if any, or chief’s designee, when in a municipal corporation;

2. the police commissioner or police commissioner's designee, when in Baltimore City;

3. the chief of police or chief's designee, when in a county with a county police department, except Baltimore City;

4. the sheriff or sheriff's designee, when in a county without a county police department;

5. the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources; or

6. the chief of police of the Maryland Transportation Authority or chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration; and

(ii) the Department of State Police barrack commander or commander's designee, unless there is an agreement otherwise with the Department of State Police.

(2) When the federal law enforcement officer participates in a joint investigation with officials from a State or local law enforcement unit, the federal law enforcement officer shall give the notice required under paragraph (1) of this subsection reasonably in advance.

(d) A federal law enforcement officer who acts under the authority granted by this section:

(1) has the same legal status as a police officer;

(2) has the same protections as a police officer under § 2-608 of the Courts Article with regard to charging documents against police officers; and

(3) has the same immunity from liability described in § 5-611 of the Courts Article.

(e) This section does not impose liability on or require indemnification by the State or a local subdivision for an act performed by a federal law enforcement officer under this section.

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